

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ESSPEE FABRICATIONS LTD.,)
)
Plaintiff,)
)
vs.) Case No. 4:23-cv-01391-MTS
)
)
MAGNITUDE 7 METALS LLC,)
)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on review of the First Amended Complaint. Doc. [8]. The Court concludes that Plaintiff still has not established this Court's subject matter jurisdiction. *See Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) ("Courts have an independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it."). Plaintiff still has not provided any allegations that establish Defendant's citizenship. *See GMAC Com. Credit LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004) (holding that, for diversity jurisdiction purposes, an LLC's citizenship is the citizenship of all its members); *Great River Ent., LLC v. Zurich Am. Ins. Co.*, 81 F.4th 1261, 1263 (8th Cir. 2023) ("Because an LLC's citizenship is that of its members, Great River is a citizen of any state where its members are citizens." (internal quotations omitted)); *see also* Doc. [6]. Nor has Plaintiff pleaded any facts or provided any analysis to show why it should be treated as a corporation under 28

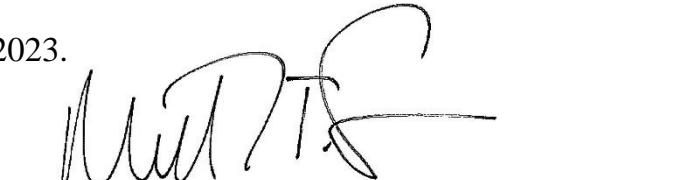
U.S.C. § 1332. *See* Doc. [6] at n.1 (citing *Jet Midwest Int'l Co., Ltd v. Jet Midwest Grp., LLC*, 932 F.3d 1102, 1105 (8th Cir. 2019)).*

Accordingly,

IT IS HEREBY ORDERED that, no later than Friday, November 03, 2023,

Plaintiff shall review the Court's November 01, 2023 Memorandum and Order, Doc. [6], in its entirety and file a Second Amended Complaint that establishes this Court's subject matter jurisdiction. Failure to timely do so will result in the dismissal of this action without prejudice and without further notice.

Dated this 2nd day of November 2023.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE

* Plaintiff also still has not filed its Disclosure Statement as required by the Local Rules. *See* E.D. Mo. L.R. 2.09(C) (providing an applicable parties must file its Disclosure Statement "with its first appearance, pleading, petition, motion, response, or other request addressed to the Court"); *accord* Fed. R. Civ. P. 7.1(b).